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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,341	11/20/2003	Yiping Ma	067470.0164 (P0818)	1236
27683	7590	11/15/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202				RODRIGUEZ, GLENDA P
ART UNIT		PAPER NUMBER		
2651				

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/718,341	MA ET AL.	
	Examiner	Art Unit	
	Glenda P. Rodriguez	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 46-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 46-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagai et al. (US Patent No. 6, 687, 671).

Regarding Claim 46, Nagai et al. teaches a method of operating an information system comprising:

Positioning a read head to a first position proximate a storage medium (See Fig. 2, wherein recording /reproducing heads 3a and 3b are placed on the recording medium 5);

Comparing a value of an evaluation parameter to a predetermined level (Col. 3, L. 30-45, wherein the error rate parameter is being evaluated.);

And initiating a head cleaning when the evaluation parameter exceeds the predetermined level (Col. 3, L. 30-45, wherein it teaches that if the error rate is increased to the error rate threshold, a cleansing process is done on the heads.).

Regarding Claim 48, Nagai et al. teach all the limitations of Claim 46. Nagai et al. further teach wherein the first position is on a loading track (Col. 2, L. 59-65).

Regarding Claim 49, Nagai et al. teach all the limitations of Claim 46. Nagai et al. further teach wherein the evaluation parameter is an error signal (Col. 3, L. 30-45).

Regarding Claim 47, Nagai et al. teach all the limitations of Claim 46. Nagai et al. further teach wherein repositioning the head to the first position after the head cleaning and redetecting the value of the evaluating parameter (Col. 4, L. 19-62).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 50-53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagai et al. in view of Anderson et al. (US Patent No. 6, 215, 618).

Regarding Claim 50, Nagai et al. teach all the limitations of Claim 46.. However, Nagai et al. does not explicitly teach wherein the evaluation parameter is flyheight. Anderson et al. teaches in Col. 6, L. 48-67 that the separation (i.e. flyheight) between the head and the disk is measured because it may cause errors in the medium. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Nagai et al.'s invention with the teaching of Anderson et al. in order to prevent errors in the medium as taught by Anderson et al.

Regarding Claim 51, Nagai et al. teach all the limitations of Claim 46. However, Nagai et al. does not explicitly teach parking (or stopping) the head when the second evaluation

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parameter exceeds a predetermined level. Anderson in Figs. 5A and 5B teach performing multiple tries by means of comparison in order to determine if the head must be parked because the errors still exceed the predetermined level and claim the drive test as a failure.

Regarding Claim 52, the combination of Nagai et al. and Anderson et al. teach all the limitations of Claim 51. The combination further teach wherein moving the head for normal operation when the second operation does not exceed the predetermined level (See Fig. 5A of Anderson et al., Element S3).

Regarding Claim 53, the combination of Nagai et al. and Anderson et al. teach all the limitations of Claim 51. The combination further teach wherein the second evaluation is a soft error rate (See Fig. 5A, wherein it performs a second comparison in S4 while still reading and writing in the tape reel.).

#### *Response to Arguments*

5. Examiner acknowledges that Claims 1-45 have been cancelled in the Applicant's Amendment filed 09/08/05.

6. Applicant's arguments with respect to claims 46-53 have been considered but are moot in view of the new ground(s) of rejection due to the newly added Claims.

#### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6, 804, 072 to Yohda et al.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (571) 272-7561. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*GPR*  
gpr

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Nov 08, 2005.

✓  
DAVID HUSSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600